

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

CARPENTERS PENSION AND ANNUITY	:	Civil Action No. 02-4545
FUND OF PHILADELPHIA AND VICINITY, and	:	
EDWARD CORYELL	:	
Plaintiffs	:	
v.	:	
	:	
DERRICK R. BANKS, ANNA E. BANKS	:	
Defendants	:	

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**NOTICE OF APPEAL**

Notice is hereby given that Plaintiffs-Appellants Carpenters Pension and Annuity Fund of Philadelphia and Vicinity (“Fund”) and Edward Coryell, in his official capacity as a fiduciary (“Coryell” and, together with Fund “Plaintiffs”) hereby appeal to the United States Court of Appeals for the Third Circuit from the judgment(s), order(s), or decree(s) of the United States District Court for the Eastern District of Pennsylvania, dated July 18, 2003 and entered on July 23, 2003 in this action brought forth by Plaintiffs and unopposed by Defendants Derrick R. Banks and Anna E. Banks (jointly “Defendants”) dismissing the case, *sua sponte*, for lack of subject matter jurisdiction, and all underlying and prior interlocutory decisions and orders of the District Court supporting such order, pursuant to Federal Rule of Appellate Procedure 4.

Respectfully submitted,

JENNINGS SIGMOND

s/Kent G. Cprek  
KENT G.CPREK(40806)  
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215-351-0615/0611  
Counsel for Plaintiffs & Appellants

**CERTIFICATE OF SERVICE**

I state under penalty of perjury that I caused a copy of the foregoing Notice of Appeal to be telecopied or placed in the U.S. mail with postage for first class delivery, on the date below to the following.

Derrick R. Banks  
4312 Terrace Street  
Philadelphia, Pa 19128

Anna E. Banks  
4312 Terrace Street  
Philadelphia, PA 19128

The Honorable Louis H. Pollak  
16613 U.S. Courthouse  
U.S. District Court  
Eastern District of Pennsylvania  
601 Market Street  
Philadelphia, PA 19106

s/Kent G. Cprek  
KENT CPREK

DATE: August 21, 2003

Richard J. DeFortuna

Direct Dial: (215) 351-0674

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Member: PA & NJ Bars

August 21, 2003

Clerk  
United States District Court  
2609 United States Courthouse  
601 Market St.  
Philadelphia, PA 19106

**Re: Carpenters Pension and Annuity Fund of Philadelphia and  
Vicinity, et al. v. Derrick R. Banks, et al.  
Civil Action No. 02-4545**

Dear Clerk:

Enclosed please find an original and one copy of a Notice of Appeal. Kindly file the original Notice of Appeal, time stamp the extra copy and return the latter to me in the enclosed, stamped return envelope.

Thank you for your efforts. Should you have any questions, please do not hesitate to call me at (215) 351-0674

Sincerely,

RICHARD J. DEFORTUNA

RJD/jf  
Enclosure  
chwp23518  
derrick r. banks  
cc:

**JENNINGS & SIGMOND  
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